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GRAU 1732

PATENT

Attorney Docket No. 3063.0396-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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N.L.H.
2-200*

In re Application of:

John E. EBY et al.

Serial No.: 09/287,631

Filed: April 7, 1999

For: SURFACE COVERINGS HAVING
A NATURAL APPEARANCE AND
METHODS TO MAKE A SURFACE
COVERING HAVING A NATURAL
APPEARANCE



Group Art Unit: 1732

Examiner: A. Kuhns

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$240.00 as specified by Section 1.17(p).

Based on reasonable inquiry, no document listed in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and no document listed in this Information Disclosure Statement

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was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of this Information Disclosure Statement.

Copies of the listed documents are attached.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

English translations (two-versions) of the non-English documents are enclosed.

The Aquaflor II brochure is accompanied by several documents that Domco alleges constitute prior sales of Aquaflor II product in the United States. We have been informed that the product was made in Europe by Sommer. Domco also asserts that the "Stork" literature discloses a related process, but the brochure is not dated.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: Rachel H. Townsend
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Date: January 19, 2000

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